



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**

Office of the
Chief Counsel

400 Seventh Street, S.W., Room 8417
Washington, D.C. 20590-0001
Phone: (202)366-6139
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**Hazardous Materials Safety
Law Division**

PHMSA-2005-23162-14

NOTICE OF PROBABLE VIOLATION

Date Issued: NOV 30 2005

PHMSA Case No. 05-0500-IBCM-SO; 05-0498-IBCM-SO; 05-0499-IBCM-SO;
05-0397-IBCM-SO; 05-0451-IBCM-SO; 05-0311-PDM-EA;
05-0410-IBCM-EA; 05-0141-IBCM-SO

Docket No. PHMSA-2005-23162

Respondent: Mauser USA, Inc.
2001 Westside Pkwy, Ste 130
Alpharetta, GA 30004
Attn: Mr. Brian Demoura, President

No. of Alleged Violations¹: 29

Maximum Possible Assessment: \$942,500

Total Proposed Assessment: \$67,325 (Includes a \$7,825 reduction for corrective action)

¹ Each count listed under a specific violation is considered to be a separate violation.

The Office of Chief Counsel of the Pipeline and Hazardous Materials Safety Administration (PHMSA) alleges that you (the Respondent named above) violated certain provisions of the Federal Hazardous Materials Transportation Law, 49 U.S.C. § 5101 *et seq.*, and/or the Hazardous Materials Regulations (HMR), 49 C.F.R. Parts 171 - 180. PHMSA sets forth the specific allegations in Addendum A to this Notice.

What is the maximum and minimum civil penalty that PHMSA can assess? Federal law sets a civil penalty of not more than \$50,000 and a civil penalty of not less than \$250 for each violation of the Federal Hazardous Materials Transportation Law or the HMR committed on or after August 10, 2005, and no more than \$32,500 and no less than \$275 for each violation occurring before August 10, 2005 but after October 1, 2003 (49 U.S.C. § 5123(a)(1)). Furthermore, for violations committed on or after August 10, 2005, if a person's violation of the HMR "results in death, serious illness, or severe injury . . . or substantial destruction of property" the maximum civil penalty is \$100,000 (49 U.S.C. § 5123(a)(2)); and if the violation concerns training the minimum civil penalty is \$450 (49 U.S.C. § 5123(a)(3)). Each day of a continuing violation constitutes a separate violation for which the maximum penalty may be imposed (49 U.S.C. § 5123(a)(4)).

What factors does PHMSA consider when proposing and assessing a civil penalty? Federal law requires PHMSA to consider certain factors when proposing and assessing a civil penalty for a violation of Federal Hazardous Materials Transportation Law or the HMR. Please refer to Addendum B to this Notice for more information concerning these factors.

When is my response due? You must respond within thirty (30) days from the date that you receive the Notice (49 C.F.R. § 107.313(a)). **PHMSA encourages you to submit your response by e-mail or fax** when possible. PHMSA may extend the 30-day period for your response if you ask for an extension, and show good cause, within the original 30-day period (49 C.F.R. § 107.313(c)). Please contact the undersigned attorney if you have any questions.

What are my response options? You may respond to this Notice in any of three ways:

- (1) Admit the alleged violations and pay the proposed assessment (49 C.F.R. § 107.313(a)(1));
- (2) Send an informal response, which can include a request for an informal conference (49 C.F.R. § 107.313(a)(2)); or
- (3) Request a formal hearing (49 C.F.R. § 107.313(a)(3)).

PHMSA provides information on these options in Addendum B to this Notice and the Office of the Chief Counsel's homepage (<http://rspa-atty.dot.gov>). PHMSA explains its procedures for assessing civil penalties and imposing compliance orders in 49 C.F.R. § 107.307 through 107.331.

What happens if I fail to respond? You waive your right to contest the allegations made in Addendum A to this Notice if you fail to respond within thirty (30) days of receiving it (or by the end of any extension). Also, the Chief Counsel may make a finding of fact consistent with the allegations in this Notice and assess an appropriate civil penalty if you fail to respond within the applicable time frame.



Thomas D. Seymour, Attorney

Phone: (202) 366-6139

tom.seymour@dot.gov

Enclosures: Addendum A
Addendum B
Addendum C
Case Exhibits

CERTIFIED MAIL - RETURN RECEIPT REQUESTED



Inspection / Investigation Report No. 05421033

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement

Inspection Location:

Mauser USA, Inc.
219 Commerce Dr.
Mount Vernon, OH 43050

Principal Office (if different):

Mauser USA, Inc.
2001 Westside Parkway, Suite 130
Alpharetta, GA 30004

Contact:

Phone: 740-397-1762

Fax:

Contact: Brian Demoura, President

Phone: 770-442-2100

Type of Inspection: SHIPMENT OBSERVATION
(GENERAL)

Result: ENFORCEMENT REPORT

Inspector:

MICHALSKI, CHRISTOPHER

Code:

DHM-42.1

Title:

HAZARDOUS MATERIALS
ENFORCEMENT SPECIALIST

Signature:**Inspector #2:****Code:****Title:****Supervisor Name:****Title:**

Colleen Abbenhaus

Chief, Eastern Region

Authorization Date: 8/17/2005

Summary of Inspection

On June 23 2005, Jonah Lennear, Sean Laney and Chris Michalski, Hazardous Materials Enforcement Specialists, conducted a compliance inspection at Rhino Container Corporation, Mira Loma, CA (RCC). RCC is a packaging distributor. The inspectors observed different types of UN-standard packagings distributed by RCC, and reviewed the documentation supplied to RCC by the companies that manufactured and/or tested these packagings.

Among others, the inspectors observed intermediate bulk containers (IBCs), manufactured by Mauser USA, Inc., and reviewed test reports supplied by Mauser. The discrepancies found in these report were noted in the exit briefing, dated July 14, 2005 (see exhibit 1), which was faxed to Mr. Charles Brooks, E, H & S Manager, Mauser USA, Inc., Alpharetta, GA.

Violation Number: 1

Number Discovered: 3

49 CFR Section:

171.2(c), 178.2(b)(1), 178.801(e)

Exhibit: 2 - 11, 13

Violation Description:

Representing, offering, marking, selling and certifying composite intermediate bulk containers (IBCs), as meeting the UN31HA standard, when the drop testing was not conducted at the level to which certified, as prescribed by Sections 178.801(b) and (d), in violation of 49 CFR, Sections 171.2(c), 178.2(b)(1) and 178.801(e).

Evidence Summary:

During the inspection at Rhino Container Corporation, Mira Loma, CA (RCC), the inspectors observed intermediate bulk containers (IBCs) manufactured by Mauser USA, Inc. The IBCs were certified UN31HA/Y/12-04/USA/M4118/2817KG/1567KG/1250L/66KG/100KPA/12-04/12-04 (see exhibit 2). RCC provided a copy of Mauser's invoice, number IV33667, dated December 30, 2004 (see exhibit 3), for the most recent purchase of IBCs from Mauser. Also, RCC provided a copy of Mauser's test report, number 111904, dated November 19, 2004 (see exhibit 4). Inspector Michalski noted that the maximum authorized gross mass marked on the IBC (see exhibit 2) exceeded the maximum authorized gross mass shown in the test report (see exhibit 4). The inspector obtained, from RCC, two more test reports supplied by Mauser to certify the containers sold to RCC; report number 01242005, dated January 24, 2005 (see exhibit 5) and report number 081704, dated August 17, 2004 (see exhibit 6).

The inspector attempted to contact both Mauser certifying officials listed in the reports: Mr. Scott Criss, Quality Manager, Mauser USA, Inc., Mount Vernon, Ohio and Mr. Alan Rochester, Quality Inspector, Mauser USA, Inc., Anniston, AL. The telephone messages left for these two individuals were not answered. Instead, the inspector was contacted by Mr. Charles Brooks, E, H & S Manager, Mauser USA, Inc., Alpharetta, GA. The inspector asked for the closure instructions and the containers' fill rates utilized by Mauser when testing IBCs to determine the validity of the reports.

On July 12, 2005, the inspector received an email providing the requested information (see exhibit 7). The email stated that the top 6 inch cap was torqued to 70 ft/lbs and that the IBCs were filled to 98% of their maximum capacity for testing. The inspector responded on July 12, 2005 (see exhibit 8), asking to discuss the testing with the company official(s). Mr. Brooks responded on July 13, 2005 (see exhibit 9), with a proposed conference time, to discuss the issues raised by the inspector. However, later that day Mr. Brooks contacted the inspector telephonically to cancel the conference.

On July 14, 2005 the inspector faxed the exit briefing detailing the probable violations noted in Mauser's test reports to Mr. Brooks (see exhibit 1), again asking to discuss the issues with the company officials. Mr. Brooks was also notified of the fax by email (see exhibit 10). There was no response to that email, or to the two other communication attempts made on July 25, 2005 (see exhibit 11) and August 3, 2005 (see exhibit 13).

Sections 178.801(d) and (e) require IBC manufacturers to conduct design qualification testing and periodic testing of all IBC design types. The required tests are listed in Section 178.803 and, for all IBC design types, the drop test is required. Section 178.810 sets forth the requirements for drop testing. Section 178.810(b)(1) requires that composite IBCs, intended for liquids, be filled to the minimum of 98% capacity. This is the fill rate indicated by Mauser (see exhibit 7).

Section 178.810(d) prescribes the minimum drop height requirements. Section 178.810(d)(1)(ii) requires that for packing group II (PGII) materials, the drop be conducted from 1.2 meters. The same height is prescribed in Section 178.801(d)(3)(i) for testing with water.

The certification for IBCs qualified under this report (see exhibit 2) shows the maximum capacity of the container as 1250 liters and the tare weight as 66 kg. The test liquid used for the drop test is listed as glycol/water mixture and the drop height is listed as 1.2 meters. Based on the water capacity of the container, the maximum allowable gross mass to which the IBC was drop-tested is 1536 kg ($0.98 \times 1250 \times 1.2 + 66$). The maximum allowable gross mass marked in the UN-certification on the IBC is 1567 kg (see exhibit 2). This is 31 kg more than the gross mass allowed by the test.

Section 178.810(d)(3)(ii)(B) states that for packing group II materials, when the material of specific gravity greater than 1.2 is substituted with water, the drop height is determined by multiplying the specific gravity of the material by 1.0 meter.

Mauser's test report, number 01242005, dated January 24, 2005 (see exhibit 5) shows that the IBC was dropped from 1.9 meters. The certification shows the maximum capacity as 1041 liters and the tare weight as 63 kilograms. Based on that data, the IBC was tested to the maximum gross of 2001 kg ($0.98 \times 1041 \times 1.9 + 63$). The maximum gross mass shown in the certification is 2041. This is 40 kg more than the gross mass to which tested and which would require a higher drop height (1.94 meters).

Mauser's test report, number 081704, dated August 17, 2004 (see exhibit 6) shows the testing and certification conducted identically to the one discussed above, except that the testing was conducted at Mauser's Mount Vernon, OH facility.

Mauser did not conduct proper testing on these IBCs.

Violation Number: 2

Number Discovered: 1

49 CFR Section:
171.2(c), 178.2(c)(1)(ii).

Exhibit: 2, 3, 4, 7, 12

Violation Description:

Representing, marking, certifying, selling and offering composite intermediate bulk containers (IBCs), certified to the UN31HA1 standard, as meeting the requirements of the Hazardous Materials Regulations (HMR), when the notification pertaining to the closure was not forwarded at the time of transfer, as prescribed by Section 178.2(c)(1)(ii), in violation of 49 CFR, Sections 171.2(c) and 178.2(c)(1)(ii).

Evidence Summary:

Same evidence as the previous violation.

During the inspection at Rhino Container Corporation, Mira Loma, CA (RCC), the inspectors determined that Mauser USA, Inc. supplied RCC with IBCs (see exhibits 2, 3 and 4). Mauser's test report, number 111904, dated November 19, 2004 (see exhibit 4) does not specify any specific closure instructions. Mr. Theron Nelson, Sales Director, RCC stated (see exhibit 12) that RCC was not supplied with specific closure instructions method for closing the cap on the IBCs.

Subsequently, Mr. Charles Brooks, E,H&S Manager, Mauser USA, Inc., Alpharetta, GA indicated that the cap was torqued to 70 ft/lbs (see exhibit 7).

Section 178.2(c)(1) requires the manufacturer and each subsequent distributor of UN-standard packagings to notify, in writing, each person to which the packagings are transferred, of all requirements of 49 CFR not met at the time of transfer. This notification must include the closure instructions necessary to ensure that the packagings are capable of passing the required UN-tests. Mauser failed to meet the requirements of Section 178.2(c).

Violation Number: 3

Number Discovered: 3

49 CFR Section:

171.2(c), 178.2(b)(1), 178.801(l)

Exhibit: 2, 5, 6

Violation Description:

Representing, offering, marking, selling and certifying composite intermediate bulk containers (IBCs), as meeting the UN31HA standard, when the test records did not include the information required by Section 178.801(l), in violation of 49 CFR, Sections 171.2(c), 178.2(b)(1) and 178.801(l).

Evidence Summary:

Same evidence as the previous violation.

During the inspection at Rhino Container Corporation, Mira Loma, CA (RCC), the inspectors obtained copies of test reports prepared by Mauser USA, Inc. to record the results of testing of its IBCs (see exhibits 4, 5 and 6). The inspectors noted that the report did not contain all information required by 49 CFR.

Section 178.801(l) requires that a test report must be prepared following each design qualification and periodic testing. The report must include, among others, the description of the IBC design type (e.g. dimensions, materials, closures, and thickness), characteristics of test contents, test description and results.

All three test reports (see exhibits 4, 5 and 6) did not include proper description of the design type and test procedure. There was no indication of the conditioning, the methods of closure, the number of IBCs used for testing, the sequence of testing, the methods of testing (i.e. orientation of the drop), the minimum thickness of the IBC, properties of the material of construction, the method of construction or the description of the components. In addition, the reports number 111904 and 01242005 (see exhibits 4 and 5) included conflicting information between the drop height and the specific gravity to which the IBC was authorized, and the later report did not show the characteristics of test content. Mauser failed to maintain complete and accurate records of testing for IBCs.

Additional Information Pertaining to the Inspection:

Exhibit Summary

Evidence		Obtained From		
No.	Description	Name, Title	Company	City, State
1	Exit briefing, dated July 14, 2005	Chris Michalski, SHMES	U.S. D.O.T.	West Trenton, NJ
2	Photographs	Jonah Lennear, HMES	U.S. D.O.T.	Ontario, CA
3	Mauser's invoice, number IV33667, dated December 30, 2004	Theron Nelson, Sales Director	Rhino Container Corporation	Mira Loma, CA
4	Mauser's tester report, number 111904, dated November 19, 2004	Theron Nelson, Sales Director	Rhino Container Corporation	Mira Loma, CA
5	Mauser's report number 01242005, dated January 24, 2005	Theron Nelson, Sales Director	Rhino Container Corporation	Mira Loma, CA
6	Mauser's report number 081704, dated August 17, 2004	Theron Nelson, Sales Director	Rhino Container Corporation	Mira Loma, CA
7	Correspondence, dated July 12, 2005	Charles Brooks, E,H&S Manager	Mauser USA, Inc.	Alpharetta, GA
8	Correspondence, dated July 12, 2005	Chris Michalski, SHMES	U.S. D.O.T.	West Trenton, NJ
9	Correspondence, dated July 13, 2005	Charles Brooks, E,H&S Manager	Mauser USA, Inc.	Alpharetta, GA
10	Correspondence, dated July 14, 2005	Chris Michalski, SHMES	U.S. D.O.T.	West Trenton, NJ
11	Correspondence, dated July 25, 2005	Chris Michalski, SHMES	U.S. D.O.T.	West Trenton, NJ
12	Oral statement	Theron Nelson, Sales Director	Rhino Container Corporation	Mira Loma, CA
13	Correspondence, dated August 3, 2005	Chris Michalski, SHMES	U.S. D.O.T.	West Trenton, NJ



US Department
of Transportation

Pipeline and Hazardous
Materials Safety Administration

Office of Hazardous
Materials Enforcement
Eastern Region

820 Bear Tavern Rd., Ste. 306
West Trenton, NJ 08628
(609)989-2256
(609)989-2277 Fax

EXIT BRIEFING

(This document is not a final report.)

Date: 7/19/05 Report Control #: _____

Company Name: MAUSER USA, INC

Address: 2001 WESTSIDE PKWY, ALPHARETTA, GA

NAME OF INDIVIDUALS RECEIVING BRIEFING:

Name: CHARLES BROOKS Title: EHS MANAGER

Name: _____ Title: _____

Name: _____ Title: _____

This has been a compliance inspection conducted in accordance with Title 49 U.S.C. Section 5121(c). This exit briefing addresses only the areas noted, and it is not a finding of general compliance in any other areas covered by the Hazardous Materials Regulations that were subject to the inspection.

During the course of the inspection the following probable violations of 49 CFR and/or quality control items were noted:

PROBABLE VIOLATIONS:

Section: 178.810
Explanation:

FAILURE TO CONDUCT PROPER DROP TESTING
(IBCS CERTIFIED ABOVE THE WEIGHT TO WHICH
TESTED; REPORTS 111904, 01242005, 081704)

Section: 178.801 (1)
Explanation:

- FAILURE TO MAINTAIN COMPLETE TEST RECORDS
1. NO CONDITIONING
 2. NO METHOD OF CLOSURE (I.E. TORQUE) OR GASKETS
 3. NO INDICATION OF THICKNESS AND THE PROPERTIES OF RESIN USED, CAGE USED, METHOD OF MANUFACTURE
 4. NO DESCRIPTION OF TESTING:
 - A. NUMBER OF IBCS USED
 - B. SEQUENCE
 - C. ACTUAL DESCRIPTION (I.E. ORIENTATION OF DROP)

U.S. DOT/PHMSA/OHME/EASTERN REGION
REPORT # 05421033
EXHIBIT # _____
PAGE 1 OF 5

PROBABLE VIOLATIONS:

Section: _____

Explanation: 178.2(c)

FAILURE TO PROVIDE CLOSURE INSTRUCTIONS
(SPECIFIC TORQUE REQUIRED, AUTHORIZED
GASKETS AND CAPS)

Section: _____

Explanation: _____

Section: _____

Explanation: _____

Section: _____

Explanation: _____

Section: _____

Explanation: _____

Report Control #: _____

This document is not a final report. The information gathered at this inspection and any probable violations noted will be reviewed prior to finalizing the report. Probable violation(s) may be removed or others may be added during this review. In addition, quality control items may be revised to become probable violations during this review.

Upon determination that a probable violation exists, the Associate Administrator for Hazardous Materials Safety is authorized to impose certain sanctions, including warning letters, compliance orders, and civil penalties. In addition, court actions, including injunctive or criminal proceedings, may be initiated. Title 49 U.S.C. Sections 5123 and 5124 provide for civil and criminal penalties for violation of the Hazardous Materials Regulations.

A civil penalty of not more than \$32,500, but not less than \$275, per violation may be imposed through administrative proceedings initiated by the Office of Chief Counsel of the Pipeline and Hazardous Materials Safety Administration. When a criminal violation has been determined by a court, a fine, or imprisonment for not more than 5 years, or both, may be imposed for each violation.

The inspector does not determine which sanction, if any, may be imposed and cannot provide information concerning what proceedings will be initiated or sanctions imposed.

Documentation of corrective action submitted in writing to the inspector within 30 days of the inspection may be considered for mitigation should the sanction imposed result in the issuance of a notice proposing a civil penalty. However, any documented corrective action would not eliminate or preclude the initiation of a civil penalty proceeding, a finding of violation, or assessment of a civil penalty.

Our objective is to ensure a fair regulatory enforcement environment. If you feel you have been treated unfairly or unprofessionally, you may contact John J. O'Connell, Jr. at 202-366-4700, or e-mail us at OHME-HQ@dot.gov. You also have a right to contact the Small Business Administration's National Ombudsman at 1-888-REGFAIR or www.sba.gov/ombudsman regarding the fairness of the compliance and enforcement activities by this agency. The Pipeline and Hazardous Material Safety Administration strictly forbids retaliatory acts by its employees. As such, you should feel confident that you will not be penalized for expressing your concerns about compliance and enforcement activities.

I certify that I received the above briefing as it appears on this form. I understand that by signing this form I am in no way expressing agreement with its contents. I am only acknowledging that I have reviewed it and have received a copy.

Signature of Inspector(s)

Signature of Representative(s)

7/14/05

Date

Date

U.S. DOT/PHMSA/OHME/EASTERN REGION
REPORT # 05421033
EXHIBIT # 1
PAGE 3 OF 5

FACSIMILE COVER SHEET

U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF HAZARDOUS MATERIALS ENFORCEMENT
Eastern Region



820 Bear Tavern Road, Suite 306
West Trenton, New Jersey 08628

TELEPHONE: (609) 989-2256

FAX: (609) 989-2277

Date: 7/14/05 Time: _____ Pages (Including Cover Sheet) _____

Send to: MR CHARLES BROOKS

Location: MAUSER USA, INC., ALPHARETTA, GA

Fax Number: 678 542 1033

From: CHARLIS MICHALSKI

Comments: BASED ON OUR CONVERSATION, ATTACHED
PLEASE FIND A COPY OF THE EXIT BRIEFING,
DETAILING THE PROBABLE VIOLATIONS OF 49CFR
NOTED BY ME REGARDING YOUR IBC'S OBSERVED
AT RHINO CONTAINER. PLEASE NOTE THAT THIS
IS NOT A FINAL REPORT AND IT MAY BE REVISED IF
NEW INFORMATION IS PROVIDED BY MAUSER.
LOOKING FORWARD TO DISCUSSING THE ISSUES
WITH SOMEONE SOON. THANK YOU.

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05421033
EXHIBIT # 1
PAGE 4 OF 5

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 4923
CONNECTION TEL 916785421033
SUBADDRESS
CONNECTION ID
ST. TIME 07/14 13:03
USAGE T 01'25
PGS. SENT 4
RESULT OK

FACSIMILE COVER SHEET

U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF HAZARDOUS MATERIALS ENFORCEMENT
Eastern Region



820 Bear Tavern Road, Suite 306
West Trenton, New Jersey 08628

TELEPHONE: (609) 989-2256

FAX: (609) 989-2277

Date: 7/14/05 Time: _____ Pages (Including Cover Sheet) _____Send to: MR CHARLES BROOKSLocation: HAUSTER USA, INC., ALPHARETTA, GAFax Number: 678 542 1033

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05 2 10 3 3
EXHIBIT # 1
PAGE 1 OF 1

From: CHRIS MICHALSKIComments: BASED ON OUR CONVERSATION. ATTACHED

**U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement
Photograph Summary**

LOCATION

Rhino Container Corporation

PHOTOGRAPH DATE

June 23, 2005

CITY, STATE

Mira Loma, CA

PHOTOGRAPHER

Jonah Lennear



**U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement
Photograph Summary**

LOCATION

Rhino Container Corporation

PHOTOGRAPH DATE

June 23, 2005

CITY, STATE

Mira Loma, CA

PHOTOGRAPHER

Jonah Lennear



**U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement
Photograph Summary**

LOCATION

Rhino Container Corporation

PHOTOGRAPH DATE

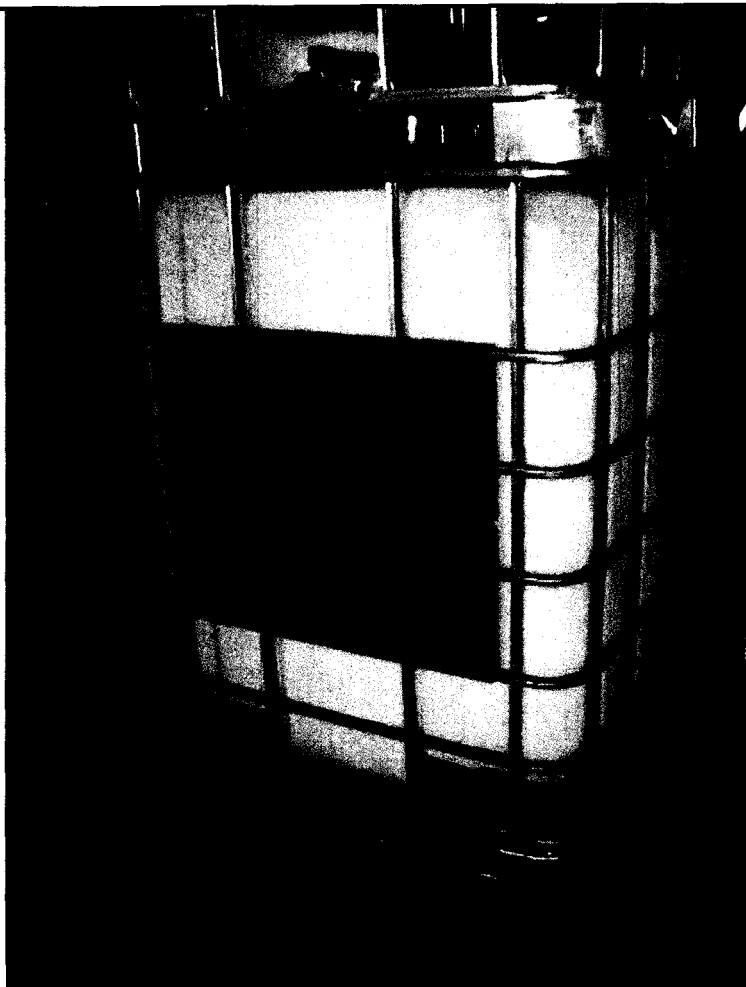
June 23, 2005

CITY, STATE

Mira Loma, CA

PHOTOGRAPHER

Jonah Lennear



**U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement
Photograph Summary**

LOCATION

Rhino Container Corporation

PHOTOGRAPH DATE

June 23, 2005

CITY, STATE

Mira Loma, CA

PHOTOGRAPHER

Jonah Lennear



**U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement
Photograph Summary**

LOCATION

Rhino Container Corporation

PHOTOGRAPH DATE

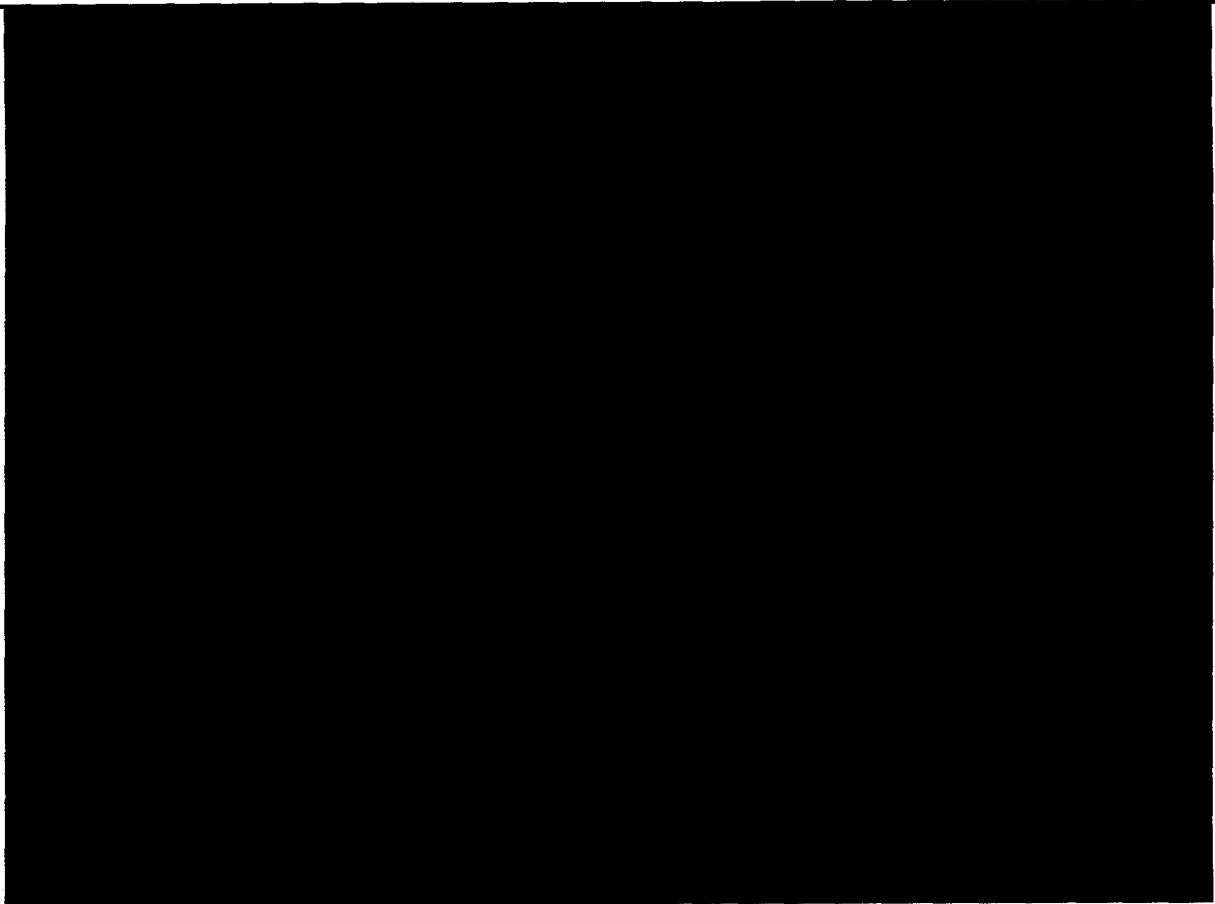
June 23, 2005

CITY, STATE

Mira Loma, CA

PHOTOGRAPHER

Jonah Lennear



**U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement
Photograph Summary**

LOCATION

Rhino Container Corporation

PHOTOGRAPH DATE

June 23, 2005

CITY, STATE

Mira Loma, CA

PHOTOGRAPHER

Jonah Lennear

1. Remove the cap from the container.
2. If the container is damaged, do not use it.
3. If the container is damaged, do not use it.
4. If the container is damaged, do not use it.
5. If the container is damaged, do not use it.
6. If the container is damaged, do not use it.
7. If the container is damaged, do not use it.

FREE EMPTY MAUSER CONTAINER COLLECTION IN UNITED STATES & SELECTED LOCATIONS IN CANADA



MINIMUM PICKUP RETURN:
8:00 AM
US/CANADA PICKUP
TOLL FREE: (800) 845-7329
FAX: (770) 442-2108
EUROPEAN PICKUP
PHONE: (49) (0) 180 3 422 2655328
FAX: (49) (0) 180 3 422 2655328



**U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement
Photograph Summary**

LOCATION

Rhino Container Corporation

PHOTOGRAPH DATE

June 23, 2005

CITY, STATE

Mira Loma, CA

PHOTOGRAPHER

Jonah Lennear





RECEIVED
JAN 06 2004

Cust. No 50000359

RHINO CONTAINER
UNIT 731A
3401 ETIWANDA AVENUE
MIRA LOMA, CA 91752
United States

BY:

Invoice Date 12/30/2004

Ship Date 12/29/2004

Location MOUNT VERNON

FOB Collect (Customer Ar

Carrier Customer Arranged Ca

Remarks

PLEASE REMIT TO:
MAUSER USA INC
PO Box 931725
ATLANTA, GA 31193-1725

Your Contact:

Teresa Youngblood

Phone: 800.391.3581

Fax: 770.442.2101

Destination No. 13396000

RHINO CONTAINER
SUITE 731A
3401 ETIWANDA AVE
MIRA LOMA, CA 91752
United States

INVOICE No. IV33667 Cust.No 50000359

Please reference Invoice No. and Customer No. on all payments

Page 1

Sch A956489 1/6

Ln	Qty	Item-No. / Description	Order No.	Cust. Item No. Cust. Order No. Delivery Note No.	Unit Price Net	Total
1	26.0 EACH	215305 / SO30735 TC 275M UN BFV NPT BC SNT BNG		PO# 03622 ✓ 50023850	138.95 USD	✓ 3,612.70 USD
2	12.0 EACH	215269 / SO30735 TC 330M UN BV NPT BC SNT		03622 50023850	154.80 USD	✓ 1,857.60 USD
3	33.0 EACH	2230099 / SO30735 BTL REP UNIV 275 BV NPT B/C BAG		03622 50023850	61.75 USD	✓ 2,037.75 USD
4	50.0 EACH	240188 / SO30735 FIBER PAD FOR BOTTLE		03622 50023850	0.00 USD	✓ 0.00 USD
NO CHARGE. PRICE INCLUDED IN BOTTLE.						

Net Sales 7,508.05 USD
Taxes 0.00 USD ✓
Amount Due 7,508.05 USD

Payment terms: Net 30

CONT: THERON - 800 327 9004

WE NOW ACCEPT VISA, MASTERCARD AND AMERICAN EXPRESS

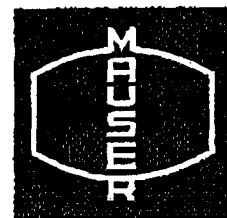
PO Receipt
Add Cost \$2266.21
Pro rate qty

ENTERED
1/31/05

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05421033
EXHIBIT # 3
PAGE 1 OF 1

MAUSER
Competence in Packaging.





U.N./D.O.T. CERTIFICATION CONTAINER DESCRIPTION

Periodic Design Requalification Testing/Design Qualification
(Bold indicates type of test)

MANUFACTURER: Mauser USA, Inc.
219 Commerce Drive, Mount Vernon, Ohio 43050
1800 Coleman Rd, Anniston, AL 36207

740.397.1762 ext 1446
256.831.8441 ext 1204

Mauser USA, Inc.
2001 Westside Pkwy, Suite 130 Alprhetta, GA 30004

800.972.8683 ext. 1014

TEST REPORT NUMBER: 111904

TEST DATE: 11-19-04

PART DESCRIPTION: TC330 metal Pallet
MATERIAL: HDPE -- Paxxon BA46-055
CLOSURE 1: 6" Standard cap
CLOSURE 2:
MINIMUM WALL THICKNESS: N/A
CONTAINER DIMENSIONS: 39.4"x47.2"x52.8"
REPRESENTATIVE SERVICE EQUIPMENT: N/A
MAXIMUM CAPACITY: 330 gallons

COMPETENT AUTHORITY: The Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, U.S.A.

Mauser USA, Inc., hereby certifies that the design type described above has been tested, as prepared for transport, in accordance with the US Department of Transportation, Title 49 Code of Federal Regulations, Part 178, Subchapter C, Subpart M or Subpart N and successfully met the criteria at the following levels:

<u>Test</u>	<u>US Title 49</u>	<u>Test Values</u>	<u>Results</u>
Drop	178.603	N/A	
Leakproofness	178.604	N/A	
Hydrostatic	178.605	N/A	
Stacking	178.606	N/A	
Drop	178.810	1.2 meters	Passed
Bottom Lift	178.811	1956 Kg	Passed
Leakproofness	178.813	2.9 PSI	Passed
Hydrostatic pressure	178.814	100 KpA	Passed
Stacking	178.815	2817 Kg	Passed
Vibration	178.819	1 Hour	Passed

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05421033
EXHIBIT # 1 OF 2
PAGE

UN Markings (Maximums for which Qualified):

UN31HA1/Y/____/USA/M4118/2817KG/1565KG/1250L/66KG/100kPA/____/____

- Liquid of packing group II and III up to a relative density of 1.9
- Maximum Permissible Gross Weight of lading: 4488LB/2037KG
- Capacity: 275 gal. / 1041 ltr.

CHARACTERISTICS OF TEST CONTENTS:

60% glycol 40%water for drop

All other testing completed with water

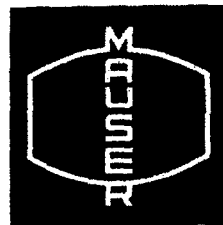
TEST DESCRIPTION:

Date: 3-18-05

Scott Criss

Quality Manager- IBC Div.

219 Commerce Drive, Mount Vernon, Ohio 43050



U.N./D.O.T. CERTIFICATION

CONTAINER DESCRIPTION

Periodic Design Requalification Testing/Design Qualification

(Bold indicates type of test)

MANUFACTURER: Mauser USA, Inc.

219 Commerce Drive, Mount Vernon, Ohio 43050

1800 Coleman Rd, Anniston, AL 36207

740.397.1762 ext 1446

256.831.8441 ext 1204

Mauser USA, Inc.

2001 Westside Pkwy. Suite 130 Alphretta, GA 30004

800.972.8683 ext. 1014

TEST REPORT NUMBER: 01242005

TEST DATE: 1/24/05

PART DESCRIPTION:

TC 275 Metal Pallet

MATERIAL: HDPE – Paxon BA46-055

CLOSURE 1: 6" Black cap with Santoprene gasket

CLOSURE 2: 2" IPCC BV NPT – Viton Gasket

MINIMUM WALL THICKNESS: .05" or greater.

Base size: 39.4"x47.2"x45.9"

REPRESENTATIVE SERVICE EQUIPMENT: N/A

MAXIMUM CAPACITY: 275 Gallons

COMPETENT AUTHORITY: The Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, U.S.A.

Mauser USA, Inc., hereby certifies that the design type described above has been tested, as prepared for transport, in accordance with the US Department of Transportation, Title 49 Code of Federal Regulations, Part 178, Subchapter C, Subpart M or Subpart N and successfully met the criteria at the following levels:

<u>Test</u>	<u>US Title 49</u>	<u>Test Values</u>	<u>Results</u>
Drop	178.603	N/A	
Leakproofness	178.604	N/A	
Hydrostatic	178.605	N/A	
Stacking	178.606	N/A	

U.S. DOT/PHMSA/OHME/EASTERN

REPORT #

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Drop	178.810	1.9 meters	Pass
Bottom Lift	178.811	2551 Kg	Pass
Leakproofness	178.813	2.9 PSI	Pass
Hydrostatic pressure	178.814	100 KpA	Pass
Stacking	178.815	3673 Kg	Pass
Vibration	178.819	1 Hour	Pass

UN Markings (Maximums for which Qualified):

31HA1/Y/0105/USA/M4119/3673KG/2041KG/1041L/63KG/100KPA/0105/0105

- Liquid of packing group II and III up to a relative density of 1.0 for H2O
- Maximum Permissible Gross Weight of lading: 4506 lbs. / 2041 Kg
- Capacity: 275 gal. / 1041 ltr.

CHARACTERISTICS OF TEST CONTENTS:

TEST DESCRIPTION:

Periodic requalification testing

Date: 1/24/05

Alan P. Rochester

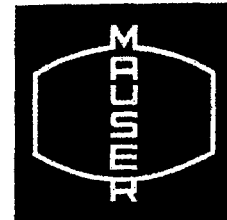
Quality Inspector

Mauser USA, Inc.

1800 Coleman Road

Anniston, AL 36207

U.S. DOT/PHMSA/OHME/EASTERN
 REPORT # 05421038
 EXHIBIT # 25
 PAGE 2 OF 2



U.N./D.O.T. CERTIFICATION CONTAINER DESCRIPTION

Periodic Design Requalification Testing/Design Qualification
(Bold indicates type of test)

MANUFACTURER: Mauser USA, Inc.
219 Commerce Drive, Mount Vernon, Ohio 43050
1800 Coleman Rd, Anniston, AL 36207

740.397.1762 ext 1446
256.831.8441 ext 1204

Mauser USA, Inc.
2001 Westside Pkwy. Suite 130 Alprhetta, GA 30004
800.972.8683 ext. 1014

TEST REPORT NUMBER: 081704

TEST DATE: 8-17-04

PART DESCRIPTION: TC275 Metal pallet
MATERIAL: HDPE - Paxxon BA46-055
CLOSURE 1: 6" Standard cap
CLOSURE 2:
MINIMUM WALL THICKNESS: N/A
CONTAINER DIMENSIONS: 39.4x47.2x45.9
REPRESENTATIVE SERVICE EQUIPMENT: N/A
MAXIMUM CAPACITY: 275 gallons

COMPETENT AUTHORITY: The Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, U.S.A.

Mauser USA, Inc., hereby certifies that the design type described above has been tested, as prepared for transport, in accordance with the US Department of Transportation, Title 49 Code of Federal Regulations, Part 178, Subchapter C, Subpart M or Subpart N and successfully met the criteria at the following levels:

<u>Test</u>	<u>US Title 49</u>	<u>Test Values</u>	<u>Results</u>
Drop	178.603	N/A	
Leakproofness	178.604	N/A	
Hydrostatic	178.605	N/A	
Stacking	178.606	N/A	
Drop	178.810	1.9 meters	Passed
Bottom Lift	178.811	2551 Kg	Passed
Leakproofness	178.813	2.9 PSI	Passed
Hydrostatic pressure	178.814	100 Kpa	Passed
Stacking	178.815	3673 Kg	Passed
Vibration	178.819	1 Hour	Passed

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05121033
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UN Markings (Maximums for which Qualified):

UN31HA1/Y/____/USA/M4118/3673KG/2041KG/1041L/83KG/100kPA/____/____

- Liquid of packing group II and III up to a relative density of 1.9
- Maximum Permissible Gross Weight of lading: 4490LB/2041KG
- Capacity: 275 gal. / 1041 ltr.

CHARACTERISTICS OF TEST CONTENTS:

60% glycol 40%water for drop

All other testing completed with water

TEST DESCRIPTION:

Date:

Scott Criss

Quality Manager- IBC Div.

219 Commerce Drive, Mount Vernon, Ohio 43050

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05421033
EXHIBIT # 26
PAGE 2 OF 2

Michalski, Chris <PHMSA>

From: Charles.Brooks@mauserusa.com
Sent: Tuesday, July 12, 2005 3:06 PM
To: Michalski, Chris <PHMSA>
Subject: FW: PHMSA

-----Original Message-----

From: Charles Brooks
Sent: Tuesday, July 12, 2005 2:12 PM
To: 'Chris.milchaski@dot.gov'
Subject: PHMSA

If I understand your questions correctly below are the answers:

1. The top 6 inch cap is torqued to 70 ft/lbs for a santoprene gasket
2. The IBC's are filled to 98% when tested

It is best to reach me on my cell phone below if you have further questions.

*Charles Brooks
Environmental, Health & Safety Manager
MAUSER USA, Inc.
2001 Westside Parkway, Suite 130
Alpharetta, GA 30004
Office Phone: (678) 542-1006
Mobile Phone: (404) 915-8028
E Fax: (678) 542-1033*

7/14/2005

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05421033
EXHIBIT # 1
PAGE 1 OF 1

Michalski, Chris <PHMSA>

From: Michalski, Chris <PHMSA>
Sent: Tuesday, July 12, 2005 4:47 PM
To: 'Charles.Brooks@mauserusa.com'
Subject: RE: PHMSA

Thank you. I need to talk to someone regarding your certifications and closure instructions. The containers in question were observed by me at Rhino Container, Mira Loma, CA. The test documentation I have is titled "U.N./D.O.T. CERTIFICATION". I have three reports: number 111904, dated November 19, 2004; number 01242005, dated January 24, 2005 and number 081704, dated August 17, 2004. I am not sure if these certifications represent your complete UN test reports. If not, please fax these reports to my attention, or email them to me. The certifications I have did not include any closure instructions and your customer, Rhino Container, told me that they never received any written notification as to the closure method. Also, my calculations show that, based on the maximum capacity of the containers in question, they were over-certified. For example, the report number 081704 shows that the container was certified as: UN31HA1/Y/____/USA/M4118/3673KG/2041KG/1041L/63KG/100KPA. That container was certified for liquids up to a relative density of 1.9. Based on the container's capacity, the maximum gross mass to which it was certified should have been: .98 x 1041 x 1.9 + 63, which equals to 2001KG and not 2041KG.

Please let me know who I should discuss this matter with on Thursday, which will the next time I will be in the office. Then, I will be traveling for the next several days and I really need to get this matter resolved. Thank you for your cooperation.

Chris Michalski
Senior Hazardous Materials
Enforcement Specialist
US DOT, PHMSA
820 Bear Tavern Rd., St. 306
West Trenton, NJ 08628
Phone: 609-989-2256/2257
FAX: 609-989-2277

-----Original Message-----

From: Charles.Brooks@mauserusa.com [mailto:Charles.Brooks@mauserusa.com]
Sent: Tuesday, July 12, 2005 3:06 PM
To: Michalski, Chris <PHMSA>
Subject: FW: PHMSA

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Sent: Tuesday, July 12, 2005 2:12 PM
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Subject: PHMSA

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It is best to reach me on my cell phone below if you have further questions.

Charles Brooks
Environmental, Health & Safety Manager
MAUSER USA, Inc.

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05421033
EXHIBIT # 1
PAGE 1 OF 2

8/3/2005

2001 Westside Parkway, Suite 130
Alpharetta, GA 30004
Office Phone: (678) 542-1006
Mobile Phone: (404) 915-8028
E Fax: (678) 542-1033

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05421033
EXHIBIT # 2
PAGE 2 OF 2

Michalski, Chris <PHMSA>

From: Charles.Brooks@mauserusa.com
Sent: Wednesday, July 13, 2005 8:35 AM
To: Michalski, Chris <PHMSA>
Subject: RE: PHMSA

I will make arrangements for someone to telephone you on Thursday and I will be on the call as well. Thank you.

-----Original Message-----

From: Chris.Michalski [mailto:Chris.Michalski@dot.gov]
Sent: Tuesday, July 12, 2005 4:47 PM
To: Charles Brooks
Subject: RE: PHMSA

Thank you. I need to talk to someone regarding your certifications and closure instructions. The containers in question were observed by me at Rhino Container, Mira Loma, CA. The test documentation I have is titled "U.N./D.O.T. CERTIFICATION". I have three reports: number 111904, dated November 19, 2004; number 01242005, dated January 24, 2005 and number 081704, dated August 17, 2004. I am not sure if these certifications represent your complete UN test reports. If not, please fax these reports to my attention, or email them to me. The certifications I have did not include any closure instructions and your customer, Rhino Container, told me that they never received any written notification as to the closure method. Also, my calculations show that, based on the maximum capacity of the containers in question, they were over-certified. For example, the report number 081704 shows that the container was certified as: UN31HA1/Y/___/USA/M4118/3673KG/2041KG/1041L/63KG/100KPA. That container was certified for liquids up to a relative density of 1.9. Based on the container's capacity, the maximum gross mass to which it was certified should have been: .98 x 1041 x 1.9 + 63, which equals to 2001KG and not 2041KG.

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Chris Michalski
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Enforcement Specialist
US DOT, PHMSA
820 Bear Tavern Rd., St. 306
West Trenton, NJ 08628
Phone: 609-989-2256/2257
FAX: 609-989-2277

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From: Charles.Brooks@mauserusa.com [mailto:Charles.Brooks@mauserusa.com]
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Subject: FW: PHMSA

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From: Charles Brooks
Sent: Tuesday, July 12, 2005 2:12 PM
To: 'Chris.milchaski@dot.gov'
Subject: PHMSA

8/3/2005

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05421033
EXHIBIT # 182
PAGE 1 OF 2

If I understand your questions correctly below are the answers:

1. The top 6 inch cap is torqued to 70 ft/lbs for a santoprene gasket
2. The IBC's are filled to 98% when tested

It is best to reach me on my cell phone below if you have further questions.

Charles Brooks
Environmental, Health & Safety Manager
MAUSER USA, Inc.
2001 Westside Parkway, Suite 130
Alpharetta, GA 30004
Office Phone: (678) 542-1006
Mobile Phone: (404) 915-8028
E Fax: (678) 542-1033

8/3/2005

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05 42 1033
EXHIBIT # 2
PAGE 2 OF 2

Michalski, Chris <PHMSA>

From: Michalski, Chris <PHMSA>
Sent: Thursday, July 14, 2005 1:11 PM
To: 'Charles.Brooks@mauserusa.com'
Subject: RE: PHMSA

Dear Mr. Brooks,

I faxed you a copy of the exit briefing to communicate the issues I discovered involving your IBCs. Please forwarded it to whoever can address these issues and provide me with a response/explanation. Thank you.

Chris Michalski
Senior Hazardous Materials
Enforcement Specialist
US DOT, PHMSA
820 Bear Tavern Rd., St. 306
West Trenton, NJ 08628
Phone: 609-989-2256
FAX: 609-989-2277

-----Original Message-----

From: Charles.Brooks@mauserusa.com [mailto:Charles.Brooks@mauserusa.com]
Sent: Wednesday, July 13, 2005 8:35 AM
To: Michalski, Chris <PHMSA>
Subject: RE: PHMSA

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To: Charles Brooks
Subject: RE: PHMSA

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Please let me know who I should discuss this matter with on Thursday, which will be the next time I will be in the office. Then, I will be traveling for the next several days and I really need to get this matter resolved. Thank you for your cooperation.

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8/3/2005

Chris Michalski
Senior Hazardous Materials
Enforcement Specialist
US DOT, PHMSA
820 Bear Tavern Rd., St. 306
West Trenton, NJ 08628
Phone: 609-989-2256/2257
FAX: 609-989-2277

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Sent: Tuesday, July 12, 2005 3:06 PM
To: Michalski, Chris <PHMSA>
Subject: FW: PHMSA

-----Original Message-----

From: Charles Brooks
Sent: Tuesday, July 12, 2005 2:12 PM
To: 'Chris.milchaski@dot.gov'
Subject: PHMSA

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Office Phone: (678) 542-1006
Mobile Phone: (404) 915-8028
E Fax: (678) 542-1033

8/3/2005

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05421033
EXHIBIT # 10
PAGE 2 OF 2

Michalski, Chris <PHMSA>

From: Michalski, Chris <PHMSA>
Sent: Monday, July 25, 2005 11:48 AM
To: 'Charles.Brooks@mauserusa.com'
Subject: RE: PHMSA

Dear Mr. Brooks,

I have not been contacted by anyone from Mauser. Did you receive my exit briefing. Is there any response to it?

Chris Michalski

-----Original Message-----

From: Charles.Brooks@mauserusa.com [mailto:Charles.Brooks@mauserusa.com]
Sent: Wednesday, July 13, 2005 8:35 AM
To: Michalski, Chris <PHMSA>
Subject: RE: PHMSA

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Thank you.

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To: Charles Brooks
Subject: RE: PHMSA

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Chris Michalski
Senior Hazardous Materials
Enforcement Specialist
US DOT, PHMSA
820 Bear Tavern Rd., St. 306
West Trenton, NJ 08628
Phone: 609-989-2256/2257
FAX: 609-989-2277

8/3/2005

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REPORT # 05421033
EXHIBIT # 11
PAGE 1 OF 2

-----Original Message-----

From: Charles.Brooks@mauserusa.com [mailto:Charles.Brooks@mauserusa.com]
Sent: Tuesday, July 12, 2005 3:06 PM
To: Michalski, Chris <PHMSA>
Subject: FW: PHMSA

-----Original Message-----

From: Charles Brooks
Sent: Tuesday, July 12, 2005 2:12 PM
To: 'Chris.milchaski@dot.gov'
Subject: PHMSA

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It is best to reach me on my cell phone below if you have further questions.

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Alpharetta, GA 30004
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E Fax: (678) 542-1033

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05421033
EXHIBIT # 11
PAGE 2 OF 2

8/3/2005

**U.S Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement
Oral Interview Form**

Inspectors Conducting Interview Name: Chris Michalski Title: Senior Hazardous Materials Enforcement Specialist Report Number: 05421033	Respondent Company: Rhino Container Corp. Address: Mira Loma, CA
Person Interviewed Name: Theron Nelson Title: Sales Director Company: Rhino Container Corp. City/State: Mira Loma, CA	Date and Type of Interview Date: June 23, 2005 In Person: X Telephone:

SUBSTANCE OF INQUIRY AND ANSWER GIVEN (NOT A TRANSCRIPT)

Inspector – (I), Respondent – (R).

(I): Did you ever receive any closure notifications from Mauser?

(R): No.

Michalski, Chris <PHMSA>

From: Michalski, Chris <PHMSA>
Sent: Wednesday, August 03, 2005 4:25 PM
To: 'Charles.Brooks@mauserusa.com'
Subject: RE: PHMSA

Dear Mr. Brooks,

This is another attempt of communicating with Mauser USA, Inc., regarding the issues I brought up in my previous correspondence. Nobody seems to want to return my emails or telephone calls. The reports in question are marked as "Periodic Design Requalification Testing". I need to get copies of the original Design Qualification test to see if the containers were ever tested to the level to which certified. However, I need to submit my report soon, so please forward this information to me by COB August 15, 2005 (along with any other response, documents and corrective action that Mauser USA, Inc.) wants to present to the Department of Transportation. If there is no response by then, I will proceed with my report and I will add the record keeping probable violation to it, as the design qualification test reports must be maintained by the manufacturer and be readily available for the inspection by the representative of the Department. Thank you.

Chris Michalski

-----Original Message-----

From: Michalski, Chris <PHMSA>
Sent: Monday, July 25, 2005 11:48 AM
To: 'Charles.Brooks@mauserusa.com'
Subject: RE: PHMSA

Dear Mr. Brooks,

I have not been contacted by anyone from Mauser. Did you receive my exit briefing. Is there any response to it?

Chris Michalski

-----Original Message-----

From: Charles.Brooks@mauserusa.com [mailto:Charles.Brooks@mauserusa.com]
Sent: Wednesday, July 13, 2005 8:35 AM
To: Michalski, Chris <PHMSA>
Subject: RE: PHMSA

I will make arrangements for someone to telephone you on Thursday and I will be on the call as well. Thank you.

-----Original Message-----

From: Chris.Michalski [mailto:Chris.Michalski@dot.gov]
Sent: Tuesday, July 12, 2005 4:47 PM
To: Charles Brooks
Subject: RE: PHMSA

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U.S. DOT/PHMSA/CHIEF/EASTERN
REPORT # _____
EXHIBIT # 13
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8/3/2005

represent your complete UN test reports. If not, please fax these reports to my attention, or email them to me. The certifications I have did not include any closure instructions and your customer, Rhino Container, told me that they never received any written notification as to the closure method. Also, my calculations show that, based on the maximum capacity of the containers in question, they were over-certified. For example, the report number 081704 shows that the container was certified as:

UN31HA1/Y/___/USA/M4118/3673KG/2041KG/1041L/63KG/100KPA. That container was certified for liquids up to a relative density of 1.9. Based on the container's capacity, the maximum gross mass to which it was certified should have been: $.98 \times 1041 \times 1.9 + 63$, which equals to 2001KG and not 2041KG.

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Chris Michalski
Senior Hazardous Materials
Enforcement Specialist
US DOT, PHMSA
820 Bear Tavern Rd., St. 306
West Trenton, NJ 08628
Phone: 609-989-2256/2257
FAX: 609-989-2277

-----Original Message-----

From: Charles.Brooks@mauserusa.com [mailto:Charles.Brooks@mauserusa.com]
Sent: Tuesday, July 12, 2005 3:06 PM
To: Michalski, Chris <PHMSA>
Subject: FW: PHMSA

-----Original Message-----

From: Charles Brooks
Sent: Tuesday, July 12, 2005 2:12 PM
To: 'Chris.milchaski@dot.gov'
Subject: PHMSA

If I understand your questions correctly below are the answers:

1. The top 6 inch cap is torqued to 70 ft/lbs for a santoprene gasket
2. The IBC's are filled to 98% when tested

It is best to reach me on my cell phone below if you have further questions.

Charles Brooks
Environmental, Health & Safety Manager
MAUSER USA, Inc.
2001 Westside Parkway, Suite 130
Alpharetta, GA 30004
Office Phone: (678) 542-1006
Mobile Phone: (404) 915-8028
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U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05421033
EXHIBIT # 2
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